IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11cv534

IRENEUSZ DZIERBUN,)
Plaintiff,)
Vs.	ORDER
BROCK & SCOTT, PLLC, BAC HOME LOANS SERVICING, LP; and TRUSTEE SERVICES OF CAROLINA, LLC,)))
Defendants.)

THIS MATTER is before the court on defendants Brock & Scott, PLLC's and Trustee Services of Carolina, LLC's Motion for Entry of Judgment. While such offer of judgment appears to have been made by only two-of-the- three defendants (which would normally leave plaintiff's claim against BAC Home Loans Servicing, LP ("BAC") intact), plaintiff's claim against BAC is not independent of the claims against the moving defendants, but rather seeks to impose on BAC vicarious liability for the alleged acts of the moving defendants in collecting a debt. See Plaintiff's Response to BAC's Motion to Dismiss (#18), at 1-2. As plaintiff has resolved her claims against the moving defendants, there are no claims upon which BAC can be held vicariously liable and the action against BAC will, in turn, be dismissed. Having considered defendants' motion and reviewed the pleadings, the court enters the following Judgment.

ORDER

IT IS, THEREFORE, ORDERED that:

- 1. defendants Brock & Scott, PLLC's and Trustee Services of Carolina, LLC's Motion for Entry of Judgment (#24) is **GRANTED**;
- 2. based on such offer and acceptance of judgment, all claims in this action are **DISMISSED** with prejudice;

- 3. defendant BAC Home Loans Servicing, LP's Motion to Dismiss (#17) is **DENIED** without prejudice as **MOOT**; and
- 4. and the Clerk of Court is instructed to enter **JUDGMENT** in favor of plaintiff and against defendants Brock & Scott, PLLC and Trustee Services of Carolina, LLC, in the amount of \$1500.00, and further providing that plaintiff have and take nothing of defendant BAC Home Loans Servicing, LP, and that the parties shall bear their own costs and fees.

Signed: June 7, 2012

Max O. Cogburn Jr.
United States District Judge